



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

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November 18, 2015

Mr. Earl Wilder - #103439  
New Castle Correctional Facility  
Post Office Box A  
New Castle, Indiana 47362

*Re: Formal Complaint 15-FC-275; Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction*

Dear Mr. Wilder,

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Correction ("DOC") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* DOC responded via Mr. Bob Bugher, Esq., Chief Counsel. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on October 16, 2015.

## BACKGROUND

Your complaint dated October 10, 2015 alleges the Department of Correction violated the Access to Public Records Act by failing to acknowledge your records request.

On September 15, 2015 you requested copies of the DOC's procedures. You allege DOC failed to respond.

On October 16, 2015 DOC responded. The DOC stated your request was forwarded to Mr. Bob Bugher, Esq., for response. DOC responded on September 25, 2015 stating records would be released once a fee of \$1.60 was paid.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Indiana Department of Correction is a public agency for the



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purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the DOC's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

DOC appears to have promptly acknowledged your request and is willing to disclose the records. The response was mailed on September 25, 2015. If you failed to receive the response, it was likely a casualty of the prison mailing system. Once you remit the payment, the materials should be forwarded to you.

## CONCLUSION

It is the Opinion of the Public Access Counselor the Indiana Department of Correction did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Bob Bugher, Esq.